UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/828,417	03/28/1997	HIROFUMI MIRASAKI	P9702-MG	4906

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ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	08/828,417	MIRASAKI ET AL.
	Examiner	**Art Unit**	
	John M. Hotaling II	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>23-28 and 39-44</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>23-28 and 39-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 23-28 and 39-44 are rejected under 35 U.S.C. 102(a) as being clearly

anticipated by JP 08-215433 to Toyama Shigeki. The previous rejection is maintained

and incorporated herein. A detailed reading of the Shigeki reference by an artisan of

ordinary skill discloses all of the claim limitations. Paragraph 9 and 17-20 of the

detailed description discloses a voice data storage means which outputs play-by-play

(PBP) broadcasting corresponding to a game expansion pattern (expression) and a

selection mold junction data (selection data) may be outputted based on a read out

command (phrase selection command). This way a player can enjoy PBP broadcasting

of contents different each time. Para 20 states that it is desirable to form from said

selection mold junction data, so that the read-out command which reads the data of the

contents of junction of arbitration at random may be outputted which means that

different phrases are outputted based on the command and the selection data.

Paragraph 21 discloses that the computer program may choose 2 or more expressions

meaning the same thing randomly and paragraph 9 says that this is done in real time.

Paragraph 23 discloses substitution data paragraphs 24 and 25 states two or more

voices paragraph 33 states that other types of games can use the invention with a 3d

virtual representation.

Paragraphs 56-62 states the following:

"[0056] The junction electronic speech circuit 50 of an example is constituted

including the pattern distinction section 52, the speech synthesis section 54, the voice

data storage section 56, and the junction change-over section 70."

"[0057] Beforehand, corresponding to two or more game expansion patterns, the

predetermined voice data for play-by-play broadcasting writes in said voice data storage

section 56, and it is memorized. Said voice data is the voice of the announcer of pro

FESHONARU who performs the television actual condition, such as a Formula 1 race,

and it is desirable to constitute as voice data which moreover had the same rhythm and

intonation as actual play-by-play broadcasting."

"[0058] Moreover, in this example, the voice data for play-by-play broadcasting

memorized in said **voice data storage section 56** is constituted so that the voice data

of the story which constitutes the story corresponding to a game expansion pattern, and

has a data area for substitution voice in a part and two or more substitutable substitution

voice data which constitutes the voice data of said data area for substitution voice may

be included."

"[0059] And in order to memorize such voice data, the voice data storage section

56 of an example is constituted including the main data storage section 57 which

memorizes two or more story voice data corresponding to a game expansion pattern,

and the **substitution data storage section 58** which memorizes said substitution voice data. "

"[0060] The example of the story voice data 700 memorized in the main data storage section 57 is shown in drawing 6, drawing 8 , drawing 12 - drawing 17 . It is square among drawing and the area [surrounding] 800 is a data area for substitution voice." This is the data box construction.

"[0061] As shown in drawing 8, a part of this story voice data 700 is constituted so that two or more selection mold junction data 710A of different contents of junction and 710B-- may be included. And the **selection output of the one data is carried out at random from two or more of these junction data 710A and 710B--**. _This is a layered structure._

[0062] Therefore, the same game expansion also becomes that from which the contents of the play-by-play broadcasting differed each time, and play-by-play broadcasting by **which weariness does not come for a player and a gallery** can be performed

[0067] Moreover, a game system is controlled by the game mode in which a game is actually performed after the count-down actuation for a start is completed next. The pattern distinction section 52 judges that the game system became this game mode based on the inputted data. And according to the flow chart shown in drawing 11 , a fundamental game expansion pattern is judged and the voice data read-out command of play-by-play broadcasting of each routine shown in drawing 12 - drawing 17 based on the decision result is outputted (step 500).

[0068] Thus, the pattern distinction section 52 distinguishes game expansion of a game system, and outputs the read-out command of the voice data corresponding to game expansion to the speech synthesis section 54. [n addition, as mentioned above, in the story voice data 700, the voice data area 800 for substitution is contained in the part. In such a case, the pattern distinction section 52 turns and outputs the substitution voice data read-out command corresponding to this voice area 800 for substitution to the speech synthesis section 54.

[0069] Furthermore, when said story voice data ?00 contains two or more selection mold junction data ?10A and 710B--, it is constituted so that the selection command to selection mold junction data may be outputted. Especially, in this example, the selection command to such selection mold junction data is performed at random each time, or it is set up so that the same data may be continued and it may not choose twice, and play-by-play broadcasting with a variation is performed.

[0070] And based on the voice read-out command inputted by doing in this way, said speech synthesis section 54 reads the story voice data ?00 and substitution voice data from the main data storage section 57 and the substitution data storage section 58 as voice data for play-by-play broadcasting, inserts substitution voice data in the data area 800 for substitution voice data of the story voice data 700, and compounds a sound signal. And it is constituted so that the compound sound signal may be outputted from a loudspeaker 62 through amplifier 60.

[0071] the texture which could perform the expression of many in the 13umber of data restricted by considering as the configuration which inserts substitution voice data

in the substitution voice data area 800 of keynote voice data as especially mentioned

above, and was doubled with the situation warm play-by-play broadcasting is attained.

Thus, play-by-play broadcasting generated is play-by-play broadcasting based on the

data of a real time vehicle, it stagnates as real announcer is carrying out, goes on

talking that there is nothing, and enables exciting play-by-play broadcasting to which it

doubles with a situation and a tone is changed.

Paragraphs 105-113 disclose an example of different routines where different

PBP broadcasting can occur including voice substitution area 800 selectable at random

depending on the situation. Para graph 128 says the invention is related to all games

where PBP broadcasting is done. All of the above is related to a layered structure of

having phrase pulled out of a storage means randomly

Paragraphs 80-88 discloses an example of the embodiment with reference to

multiple data storage areas for selection based on a action of the game, which in this

case is starting the game. Other examples are within the description. Paragraph 90-96

discloses that different voice data may be inserted at different junctions or points in the

game.

Response to Arguments

Applicant's arguments filed 2/15/07 have been fully considered but they are not

persuasive.

With respect to the applicant's assertion that the reference does not teach a

plurality of phrase databases please see above where a storage area is represented for

a predetermined gaming condition that may be randomly selected based on a PBP command.

With respect to the applicant's assertion that there is no linking of related databases or phrase groups for a given predetermined condition please see above.

With respect to the applicant's assertion that there is no layered structure for the device to select a box in accordance with a game condition please see above with respect to paragraphs 105-113.

With respect to the argument that "Words to be put in the replacement area are not necessarily dialogue phrase. Consequently, it cannot be said that based on the above-mentioned description that the "phrase groups have a hierarchical structure" in the cited reference."" The examiner thinks that this is taken out of context and that the structure of the database of the phrases and replacement phrases used in the reference is indeed hierarchical since they are dependent on the situation and can be determined based on a condition. All databases inherently have a structure that enables a user be that human or a program to find and use the information in the database.

With respect to the applicant's assertion that what has happened in the Japanese Patent Office has any bearing on what happens when examining a case here at the USPTO is unfounded and as such the argument is moot.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John M. Hotaling II whose telephone number is (571)

272 4437. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Xuan Thai can be reached on (571) 272 3507. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John M Hotaling II
Primary Examiner
July 3, 2007